

REMARKS

The application has been amended as needed so as to place it in condition for allowance at the time of the next Official Action.

In the course of this revision, subject headings have been inserted at the appropriate locations throughout the specification in a manner consistent with the preferred guidelines set forth at 37 CFR §1.77 and Section 601 of the Manual of Patent Examining Procedure (MPEP).

The Official Action had objected to the drawings as Figure 1 did not include the legend "Prior Art". Accompanying this amendment is a replacement sheet which has the legend --Prior Art-- inserted below Figure 1, as is indicated in red in the accompanying annotated sheet.

Claims 2, 3, 5, 7 and 8 were rejected under 35 USC §112, second paragraph, for indefiniteness. The Primary Examiner's well-taken formal criticisms of these claims were borne in mind as points to be corrected when drafting the new claims. Specifically, new claims 14-21 were drafted in such a manner as to particularly point out and distinctly claim the subject matter regarded by applicants' as their invention. When drafting the new claims, great care was taken to ensure that the terms recited therein possessed proper antecedent basis. Thus, new claims 14-21 are believed to set out and circumscribe a

particular installation for venting waste gases of an air distillation or liquefaction process, with a reasonable degree of precision and particularity, when read in light of the teachings of the original specification. It is respectfully submitted that a person having ordinary skill in the art would be reasonably apprised of the metes and bounds of new claims 14-21. Accordingly, it is believed that the rejection of the claims under 35 USC §112, second paragraph, has been overcome and should not be applied to new claims 14-21.

Claims 1, 2, 4, 6 and 9 were rejected under 35 USC §102(b) as being anticipated by either ETCHEVERRIA et al. 4,208,195 or CARR et al. 4,738,695.

Reconsideration of the above rejection is respectfully requested for the following reasons.

The Primary Examiner had kindly indicated that claims 3, 5, 7 and 8 would be allowable if rewritten to overcome the rejection under 35 USC §112, second paragraph. By the present amendment, it will be seen that newly-presented independent claim 14 includes the allowable subject matter formerly recited in claims 1 and 3. Since claims 15-21 depend directly or indirectly from an otherwise allowable independent claim 14, they are likewise believed to be patentable by virtue of this dependency.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been

placed in condition for allowance. Reconsideration and allowance on the basis of new claims 14-21 are accordingly solicited.

In the event that there are any questions relating to this amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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**APPENDIX:**

The Appendix includes the following items:

- a Replacement Sheet for Figure 1 of the drawings and an Annotated Sheet Showing Changes made to Figure 1 of the drawings